



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOSE W. PORTILLO,
Petitioner,
v.
JOHN MARSHALL, Warden,
Respondent.

Case No. CV 06-2152-RSWL (JCR)

ORDER ADOPTING
REPORT AND
RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the instant Petition and other papers along with the attached Final Report and Recommendation of the United States Magistrate Judge, and has made a *de novo* determination of the Final Report and Recommendation. The Court concurs with and adopts the conclusions of the Magistrate Judge.

IT IS ORDERED that a Judgment be entered (1) granting the instant Petition for Writ of Habeas Corpus ("Petition") with respect to the portions of claim two of the Petition that specifically pertain to the trial court's imposition of consecutive sentences on counts one through six of the Amended Information; (2) ordering the Los Angeles County Superior Court to re-sentence Petitioner on

1 counts one through six of the Amended Information; and (3) dismissing the
2 remaining claims contained in the Petition with prejudice.

3 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
4 this Order and the Judgment of this date on Petitioner.

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6 DATED: July 17, 2008
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8 RONALD S.W. LEW

9 RONALD S.W. LEW
10 Senior United States District Judge
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